



February 15, 2001

HOUSE BILL No. 1478

DIGEST OF HB 1478 (Updated February 13, 2001 12:09 PM - DI 106)

Citations Affected: IC 34-6; IC 34-30; noncode.

Synopsis: Physician immunity. Provides good samaritan immunity to a physician acting outside the scope of the physician's employment. Specifies that a "nonparty" includes a person who is liable for to a claimant for damages.

Effective: July 1, 2001.

Porter, Steele, Kuzman, Ulmer

January 11, 2001, read first time and referred to Committee on Judiciary.
February 14, 2001, amended, reported — Do Pass.

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HB 1478—LS 7768/DI 106+



February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1478

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-51, AS AMENDED BY P.L.1-1999,
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 51. (a) **The persons to whom this section applies**
4 **include a physician acting outside the scope of the physician's**
5 **employment.**

6 (b) "Gratuitously renders emergency care", for purposes of
7 IC 34-30-12-1, means the giving of emergency care (including the use
8 of an automatic external defibrillator):

9 (1) that was volunteered without legal obligation on the part of the
10 person rendering the emergency care; and

11 (2) for which the person rendering the emergency care does not
12 expect remuneration.

13 ~~(b)~~ (c) Emergency care may not be considered to be gratuitously
14 rendered emergency care solely because of the failure to send a bill for
15 the emergency care.

16 SECTION 2. IC 34-6-2-88 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 88. "Nonparty", for

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purposes of IC 34-51-2, means a person who caused or contributed to cause the alleged injury, death, or damage to property, **and who is or may be liable to the claimant in part or in whole for the damages claimed**, but who has not been joined in the action as a defendant.

SECTION 3. IC 34-6-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 106. "Physician" ~~for purposes of IC 34-18-~~ has the meaning set forth in IC 34-18-2-23.

SECTION 4. IC 34-30-12-1, AS AMENDED BY P.L.1-1999, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This section does not apply to services rendered by a health care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its repeal) to a patient in a health care facility (as defined in IC 27-8-10-1).

(b) Except as provided in subsection (c), a person, **including a physician acting outside the scope of the physician's employment**, who comes upon the scene of an emergency or accident or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from:

- (1) any act or omission by the person in rendering the emergency care; or
- (2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person;

except for acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

(d) This subsection applies to an individual, business, or organization to which IC 16-31-6.5 applies. An individual, business, or organization that allows a person who is an expected user to use an automatic external defibrillator of the individual, business, or organization to in good faith gratuitously render emergency care is immune from civil liability for any damages resulting from an act or omission not amounting to gross negligence or willful or wanton misconduct by the user or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the emergency care if the individual, business, or organization and the user

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1 fulfill the requirements set forth in IC 16-31-6.5.
2 SECTION 5. [EFFECTIVE JULY 1, 2001] **IC 34-6-2-51,**
3 **IC 34-6-2-106, and IC 34-30-12-1, all as amended by this act, apply**
4 **only to care rendered after June 30, 2001.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, insert:

"SECTION 2. IC 34-6-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 88. "Nonparty", for purposes of IC 34-51-2, means a person who caused or contributed to cause the alleged injury, death, or damage to property, **and who is or may be liable to the claimant in part or in whole for the damages claimed**, but who has not been joined in the action as a defendant."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1478 as introduced.)

STURTZ, Chair

Committee Vote: yeas 12, nays 0.

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